

Message

From: Engelman-Lado, Marianne [marianne.engelman-lado@yale.edu]
Sent: 10/7/2018 9:02:00 PM
To: Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Stein, Jonathan [Stein.Jonathan@epa.gov]
CC: Dorka, Lilian [Dorka.Lilian@epa.gov]; Leah Aden [LAden@naacpldf.org]; Jonathan J. Smith [jjsmith@earthjustice.org]; Suzanne Novak [snovak@earthjustice.org]; Ashley Marie Gregor [ag2589@columbia.edu]; Northrop, Caleb [caleb.northrop@yale.edu]; Acheampong, Elvis [elvis.acheampong@yale.edu]; Nicole Sockett [nicole.sockett@columbia.edu]; Sarah M Jackson [smj2166@columbia.edu]; elloyd@law.columbia.edu; Biffi, Betsy [Biffi.Betsy@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]
Subject: Ashurst Bar/Smith Community Organization March 5 2018 Complaint, Case No. 16R-17-R4: Supplementary Material
Attachments: Tallassee Final Report 10.05.18_final.pdf; cv.yale.dubrow_10_07_18.pdf

As you may recall, a team of graduate students from Yale's School of Public Health and School of Forestry & Environmental Studies, working under the supervision of Yale School of Public Health Professor Dr. Robert Dubrow, designed and conducted both a survey of Ashurst Bar/Smith community members and a pilot air monitoring study to inform the development of future community-based air monitoring. The team also took vehicle counts and measurements of noise. Attached please find a final report of their work as well as a copy of Dr. Dubrow's c.v., submitted in support of the Ashurst Bar/Smith Community Organization complaint in case no. 16R-17-R4.

As the final report indicates, both the community health survey and the pilot air monitoring study identified key warning signs, including high levels of community concern about landfill impacts, elevated incidence of asthma and chronic obstructive pulmonary disease (COPD), hydrogen sulfide levels approaching the odor threshold, high non-methane volatile organic compound (NMVOC) levels of unknown composition, transient elevated PM_{2.5} levels, and high noise levels in relation to community standards.

The pilot air monitoring study was not formulated to identify whether emissions exceed environmental thresholds set in accordance with environmental laws: rather, they were intended to help determine whether further monitoring is warranted and, if so, to inform future priorities and the selection of equipment. Among other things, the study concludes that further air monitoring is clearly indicated.

Please feel free to let us know if we can provide any additional information about the survey and other data collection.

Sincerely,

Marianne Engelman Lado
 Morningside Heights Legal Services
 Environmental Law Clinic
 Columbia Law School

Ex. 6 Personal Privacy (PP)

On Oct 3, 2018, at 9:07 AM, Engelman-Lado, Marianne <marianne.engelman-lado@yale.edu> wrote:

Thank you for the response.

We will aim to submit materials on a rolling basis to meet the October 12th deadline. As suggested below, though, we hope to have materials in final form by then, but will at least submit preliminary findings by then.

Best,

Marianne

On Oct 2, 2018, at 12:13 PM, Rhines, Dale <rhines.dale@epa.gov> wrote:

Marianne,

Thanks for the reminder. As it turns out, Lilian did not get the first email (we do have the odd glitches from time to time) but the rest of the team did and we have brought her up to date on your request. Having everything to us by October 12th is fine, but we do encourage you to send anything you might have sooner than that so we can start our review work on those items. Many thanks for the email, and if you have any questions, just let us know.

From: Engelman-Lado, Marianne [<mailto:marianne.engelman-lado@yale.edu>]

Sent: Tuesday, October 2, 2018 11:46 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Leah Aden <LAden@naacpldf.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Suzanne Novak <snovak@earthjustice.org>; Ashley Marie Gregor <ag2589@columbia.edu>; Northrop, Caleb <caleb.northrop@yale.edu>; Acheampong, Elvis <elvis.acheampong@yale.edu>; Nicole Sockett <nicole.sockett@columbia.edu>; Sarah M Jackson <smj2166@columbia.edu>; elloyd@law.columbia.edu; Biffl, Betsy <Biffl.Betsy@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>

Subject: Re: Ashurst Bar/Smith Community Organization March 5 2018 Complaint, Case No. 16R-17-R4

Lilian,

I'm just putting this at the top of your emails: hoping to hear from you. We're all working to get ECRCO additional info in a timely way but need more time. Among other things, Dr. Rob Dubrow has other deadlines and Earthjustice is on retreat this week.

Many thanks,

Marianne

On Sep 27, 2018, at 3:27 PM, Engelman-Lado, Marianne <marianne.engelman-lado@yale.edu> wrote:

Dear Lilian,

We're writing to provide an update on the timing of additional submissions in support of the Ashurst Bar/Smith Community Organization Complaint, Case No. 16R-17-R4 and to ask if we can extend the general deadline for submission of materials from October 5 to October 12th. Please let us know if that would be acceptable.

As we discussed, we are trying to move more than expeditiously to respond to questions raised by ECRCO's case investigation team and to provide additional information in support of the complaint. For example, we plan to send photographic evidence in the coming days and will send additional info on a rolling basis.

We had hoped to send the report of the pilot research conducted by a student team working with Dr. Robert Dubrow at the School of Public Health at Yale University (see https://publichealth.yale.edu/people/robert_dubrow.profile) by October 5th, but Dr. Dubrow has another deadline the week of October 5th and asked whether it would be possible to extend the deadline for a week, to October 12th. The pilot study included a health survey, vehicle count and pilot air monitoring study. We are also pulling together a brief with additional information — for example, a comparison of permit conditions applicable to Stone's Throw and requirements applicable to other municipal solid waste facilities in Alabama. This comparison responds to a question asked by Dale Rhines during the site visit regarding whether permits approved by ADEM are any more protective at other locations.

We are also quickly working with economics and engineering experts to evaluate the impact of the landfill on property value, among other things. Even with the extension, we may not be able to provide final submissions on their work by October 12th. At the same time, we are hopeful that we will be able to provide at least initial findings by this October 12th date.

Please know that we are moving hell and high water to submit helpful materials in a timely way. We hope that this timeline is acceptable.

I also wanted to take the opportunity to provide notice that though I'm continuing to work at Yale, teaching groups of students at the Yale School of Forestry, I am working part-time with the Environmental Law Clinic at Columbia University and with the Poverty & Race Research Action Council (PRRAC). I will continue working on behalf of Ashurst Bar/Smith Community Organization on this complaint along with Earthjustice and the NAACP Legal Defense & Educational Fund under the auspices of the Environmental Law Clinic at Columbia (see full signature line, below). I am cc'ing law and policy students working under my supervision at Columbia and Yale, along with Edward Lloyd, Evan M. Frankel Clinical Professor in Environmental Law at Columbia Law School, who will be working with the legal team as well. I'll send a separate email regarding how this change may affect appearances in other cases filed with EPA under separate cover.

Sincerely,

Marianne

Marianne Engelman Lado
Morningside Heights Legal Services
Environmental Law Clinic
Columbia Law School
435 West 116th Street
New York, NY 10027

Ex. 6 Personal Privacy (PP)

On Aug 30, 2018, at 7:59 PM, Leah Aden <laden@naacpldf.org> wrote:

Lilian —

Thank you and your team for joining a call with us today.

We understand that the EPA is not using the end of this fiscal year as a deadline by which to complete the investigation into ABSCO's pending complaint. As discussed, we will endeavor to provide your team with as much information as possible in support of that complaint and on a rolling basis by October 5, 2018. Of course, to the extent that we are likely to have other information that we cannot provide by that date, we will let you know as soon as can and would look forward to a discussion about that with your team.

Please expect to hear from us soon and through the next month or so.

Have a nice holiday weekend.

(end)

Leah Aden

Deputy Director of Litigation

NAACP Legal Defense and Educational Fund, Inc.

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<image004.jpg>

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From: Rhines, Dale <rhines.dale@epa.gov>

Sent: Monday, August 27, 2018 9:42 AM

To: Engelman-Lado, Marianne <marianne.engelman-lado@yale.edu>; McGhee, Debra <mcghee.debra@epa.gov>

Cc: Leah Aden <laden@naacpldf.org>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Subject: RE: Looking for Time for a call

Debra is out today on a personal matter so we are hoping that this call can be Thursday from 3:00 to 4:00. Will that work for you?

From: Engelman-Lado, Marianne [<mailto:marianne.engelman-lado@yale.edu>]

Sent: Friday, August 24, 2018 8:46 PM

To: McGhee, Debra <mcghee.debra@epa.gov>

Cc: Leah Aden <LAden@naacpldf.org>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>

Subject: Re: Looking for Time for a call

Debra,

We're all available from 4 to 5 on Monday, if that still works for you.

Will you circulate a call-in number or should we?

Best,

Marianne

On Aug 24, 2018, at 5:41 PM, McGhee, Debra <mcghee.debra@epa.gov> wrote:

Hello everyone. Lilian has asked me to look for a good time that we could speak to you in response to your recent letter.

Times that are workable for us are Monday, August 27 between 2 until 5 pm or Thursday, August 30, 2018 between 3:00 and 4:00.

I realize that is not a lot of choices. If neither time is workable, we will look further out.

We look forward to speaking soon.

Debra E. McGhee

Team Lead

External Civil Rights Compliance Office

Office Phone: 202-564-4646

“Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.” ~ *Martin Luther King, Jr. , 18th April, 1959*